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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

UNITED STATES OF AMERICA

v.

HENRI PESSAH,

Defendant.

) No. CR 11-00802 CRB  
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**STIPULATION AND [PROPOSED]  
 ORDER**

On October 27, 2011, a two-count Information was filed against the defendant. Dkt. #1. Count One charged bid rigging in San Mateo County, in violation of 15 U.S.C. § 1. Count Two charged conspiracy to commit mail fraud in San Mateo County, in violation of 18 U.S.C. § 1349. This Court accepted the defendant's guilty plea as to both counts on January 18, 2012. Dkt. #10.

On September 19, 2017, the United States and defendant are scheduled to appear before this Court to enter a new bid-rigging-only plea agreement. By that appearance date, a new plea agreement between the parties will be submitted to the Court.

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1 The execution of this Stipulation and [Proposed] Order is contingent upon the Court's  
2 acceptance of the defendant's forthcoming bid-rigging-only guilty plea pursuant to the new plea  
3 agreement. Following the Court's acceptance of the defendant's guilty plea, the United States and  
4 defendant stipulate to the dismissal of Count Two of the Information and request that the Court hold as  
5 follows:

6 1. The defendant's guilty plea to Count One, bid rigging in San Mateo County, in violation  
7 of 15 U.S.C. § 1, pursuant to the prior plea agreement is WITHDRAWN.

8 2. The defendant's guilty plea to Count Two, conspiracy to commit mail fraud in San Mateo  
9 County, in violation of 18 U.S.C. § 1349, pursuant to the prior plea agreement is WITHDRAWN.

10 3. The prior plea agreement lodged with the Court on February 1, 2012 (Dkt. #9), is  
11 WITHDRAWN.

12 IT IS SO STIPULATED.

13 DATED: September 18, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
EDWIN PRATHER  
Counsel for Henri Pessah

16 DATED: September 18, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
GABRIEL R. MARTINEZ  
U.S. Department of Justice  
Antitrust Division

19 IT IS SO ORDERED.

22 DATED: \_\_\_\_\_

\_\_\_\_\_  
CHARLES R. BREYER  
United States Chief District Judge